

STATE OF IDAHO

ORDER OF REINSTATEMENT

Water Resources (Department) the Department finds as follows:

FINDINGS OF FACT

1. On March 10, 1989 the Director of the Department of Water Resources issued Permit No. 29-7854 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before April 1, 1990.

2. On January 31, 1990 the Department sent a proof due notice to the permit holders.

3. On April 16, 1990 the Department sent a lapse notice to the permit holders since neither proof of beneficial use nor a request for extension of time had been received from the permit holders.

4. On July 13, 1990 Proof of Beneficial Use was received by the Department from the permit holders.

5. Section 42-218a, Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received,

APR 12 1991.

upon submittal of evidence clearly establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

6. The permit holders have submitted evidence to confirm that water has been put to beneficial use prior to the proof due date. Evidence includes a copy of a 1983 Idaho Department of Health and Welfare field survey report and laboratory analysis for the groundwater wells described under the permit.

7. The permit holders have stated that they did not submit proof after receiving the first notice because they believed that the permit was for an additional well in their system that was never constructed. They realized later after the proof due date that the permit actually covered their existing wells and thus filed proof late.

CONCLUSIONS OF LAW

1. The permit holders have submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used as identified on the permit.

2. The permit holders have shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

3. The permit can be reinstated with the date of priority advanced to the date proof of beneficial use was received by the Department.

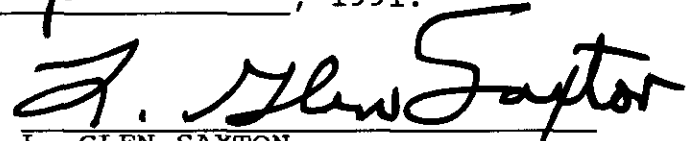
APR 12 1991

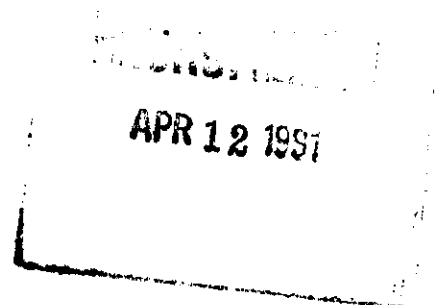
ORDER

IT IS HEREBY ORDERED that Permit No. 29-7854 is
reinstated.

IT IS FURTHER ORDERED that the date of priority of this
permit is advanced to July 13, 1990.

Dated this 10th day of April, 1991.


L. GLEN SAXTON
Chief, Water Allocation Bureau



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 297854

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Smith Road Water Users Assoc., Phone 237-8571
C/O Laura Yeates
Post office address 13272 N. Smith Rd., Pocatello, ID 83202

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is _____ 1/4 of NW 1/4 of SE 1/4, Govt. Lot _____
Sec. 26 Township 5S Range 34E B.M. Bannock County; additional
points of diversion if any: NE SW
SE 1/4 NW 1/4, Sec. 26, T. 5S, R. 34E - existing well

4. Water will be used for the following purposes:

Amount 0.20 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.32 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.52 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 3 wells to storage tank (2000 gallons)
to 19 homes on lots of 1 acre maximum; two wells completed in 1975.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is 8 inches; proposed depth of well is 400 feet.

d. Is ground water with a temperature of greater than 90°F being sought? _____

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

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8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 19
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	34E	26									8					8			16
											D/9					D/10			

Total number of acres to be irrigated 16

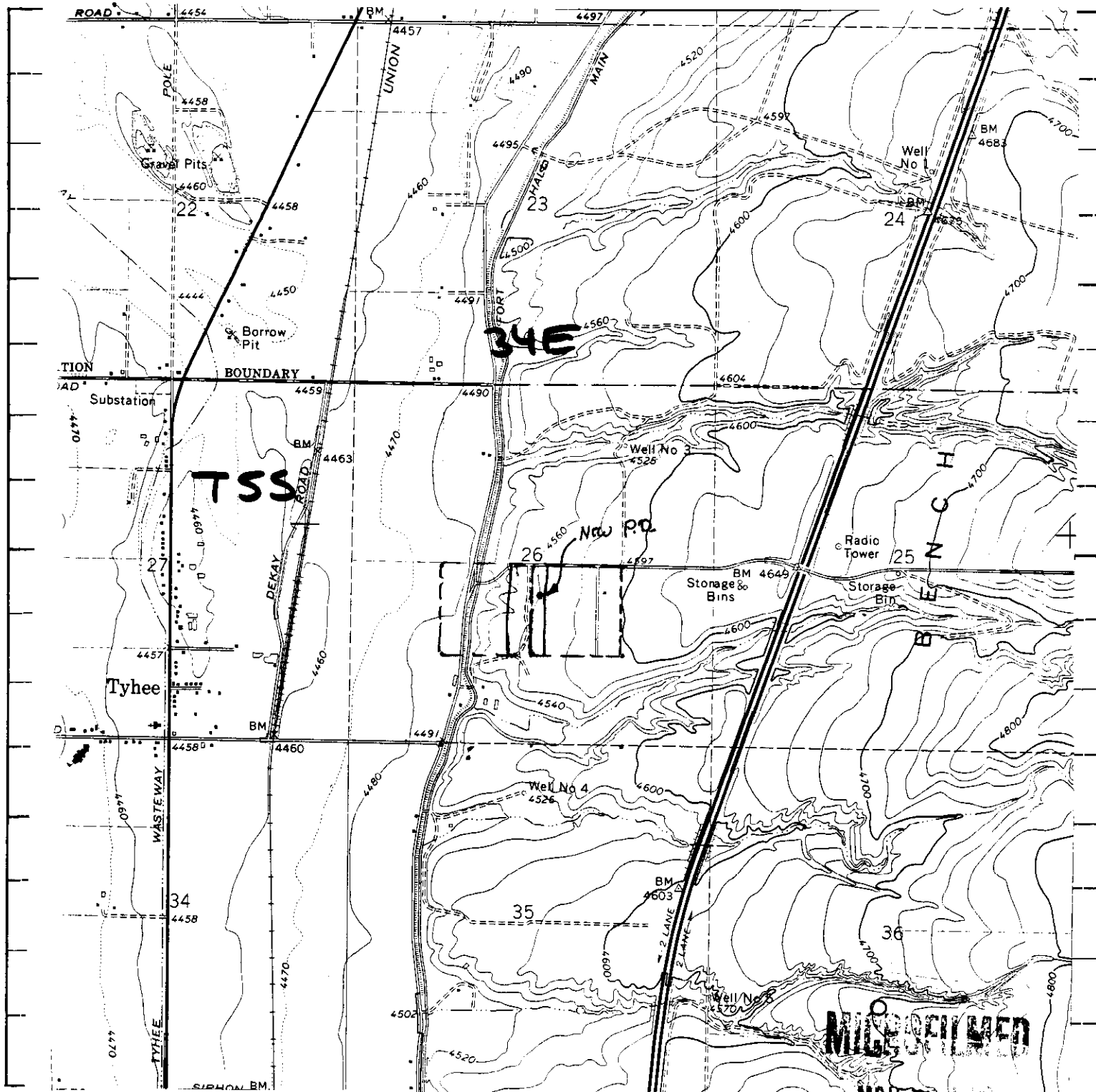
10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Pres: Rod Fisher; Vice Pres: Walker Yeates (237-7374); Sec/Tres: Laura Yeates (237-7374); 2 wells were completed in 1975; this is a 3rd add-on well

MAR 30 1989

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



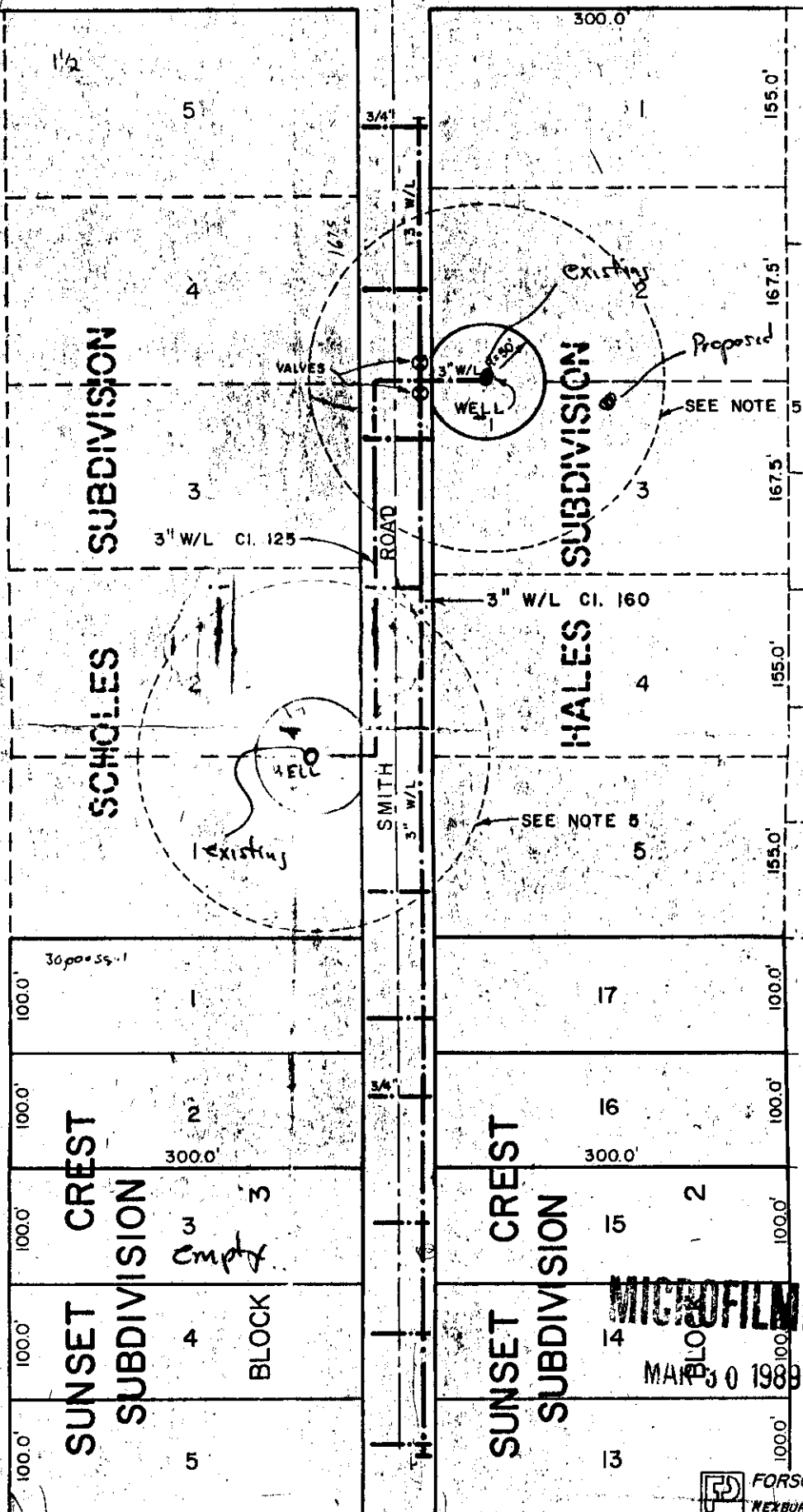
Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

x *Laura C. [Signature]*
(Applicant)

Title - Secretary - Treasurer

2-1/2 MILE ROAD



GENERAL NOTES:

1. WATER LINE MINIMUM COVER = 5'.
2. PIPE - PVC CLASS 160 OR EQUIVALENT ON ALL SERVICE LINES.
3. TANK CAPACITY = 1960 GALLONS.
4. ALL SEWER LINES EXCLUDED WITHIN 50' OF WELL.
5. SEPTIC TANKS AND/OR SUBSURFACE SEWAGE DISPOSAL EXCLUDED WITHIN 150' OF WELL.
6. NSF APPROVED WELL SEAL ON ALL WELLS.
7. ALL WELL CONSTRUCTION CONFORMS TO PART 3 OF THE DRINKING WATER CODE.
8. WELLS AND LINES DISINFECTED TO MEET DRINKING WATER STANDARDS.
9. WATER METERS ARE NEPTUNE TRIDENT SET IN 18"x48" SONOCO METER BOXES WITH 18" CAST IRON RINGS & COVERS.
10. WELL NO. 2 IS A 4"-5 HP. Submersible Turbine FLINT & WALLING Model FF10. (Min. 61 gpm at 220 ft.)

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MAR 30 1989



FORSGREN, PERKINS &
NEXBURG CONSULTING

PROOF OF PUBLICATION

RECEIVED

STATE OF IDAHO
County of Bannock

ss.

JAN 15 1989

Julie A. Potter

Department of Water Resources
Eastern District Office

Notice is hereby given that the publication No. 29-0000 in the Bannock County IDAHO WATER DIVISION, which was published incorrectly on November 17 and 24, 1988. The diversion point was advertised as being 3000 300 26 T 055 R 34E. Whereas the actual diversion point is NWSE, NESE, 3000 300 26 T 055 R 34E. Any protests against the granting of this application, as a result of this correction, must be filed with the Idaho Department of Water Resources, 1000 Main Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JANUARY 23, 1989.
S/R: Keith Haggman
Director
January 8, 1989
No. 600

being first duly sworn on oath deposes and says: That she was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

January 5	1989	19
January 12	1989	19
	19	19
	19	19
	19	19

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Julie A. Potter

STATE OF IDAHO

COUNTY OF Bannock

On this 12th day of January in the year of 1989, before me, a Notary Public, personally appeared Julie A. Potter.

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Jim L. Larsen
Notary Public for Idaho
Residing at Pocatello
My commission expires: July, 1991

MICROFILMED

MAR 30 1989

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Julie A. Potter

NOTICE OF CORRECTION

Notice is hereby given that application No. 29-07854 in the name of SMITH ROAD WATER USERS ASSOC. was advertised incorrectly on November 17 and 24, 1988. The diversion point was advertised as being NWSE Sec 26 T 05S R 34E. Whereas, the actual diversion point is NWSE, NESW Sec 26 T 05S R 34E.

Any protests against the granting of this application as a result of this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402 on or before JANUARY 23, 1989.

S/R. Keith Higginson

Director

January 5, 12, 1989

No. 600

being first duly sworn on oath deposes and says: That she was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

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January 5, 1989, 19

January 12, 1989, 19

, 19, 19

, 19, 19

, 19, 19

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

STATE OF IDAHO

COUNTY OF Bannock

On this 12th day of January in the year of 1989, before me, a Notary Public, personally appeared Julie A. Potter

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at

My commission expires:

MAR 30 1989

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Julie A. Potter

being first duly sworn on oath deposes and says: That _____ she _____ was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

<u>November 17</u>	, 19 <u>88</u>	_____	, 19 _____
<u>November 24</u>	, 19 <u>88</u>	_____	, 19 _____
_____	, 19 _____	_____	, 19 _____
_____	, 19 _____	_____	, 19 _____
_____	, 19 _____	_____	, 19 _____

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Julie A. Potter

STATE OF IDAHO

COUNTY OF Bannock

On this 24th day of November in the year of 1988, before me, a Notary Public, personally appeared Julie A. Potter, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Julie L. Larsen
Notary Public for Idaho
Residing at Pocatello
My commission expires: July, 1991

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NOV 28 1988

Department of Water Resources
Eastern District Office

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MAR 30 1989

NOTICE OF PUBLICATION
The following instrument was filed to record in the public records of the State of Idaho:
77-07654
WATER USERS ASSOC.,
DATED
IN: T33S R34E S2S
N2SW N2SW NWSE NWSE
16.000000 ACRES TOTAL
The permittee will be subject to all prior water rights. Permits may be submitted based on the criteria of Sec. 43-203A, Idaho Code, and/or the new public interest criteria of Sec. 43-203C, Idaho Code. Permits must be filed with the Director, Dept. of Water Resources, 160 Shoup Ave., Boise, Idaho 83725.
Nov. 24, 1988
No. 24

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been
filed to appropriate the public waters of
the State of Idaho:

29-07854

SMITH ROAD WATER USERS ASSOC.,

C/O LAURA YEATES

13272 N. SMITH ROAD

POCATELLO, ID 83202

Source: GROUNDWATER

Diversion Pt:

NWSE Sec 26 T 05S R 34E

Use: DOMESTIC (.200 CFS)

IRRIGATION (.320 CFS)

Date Filed: 10/11/1988

In: T05S R34E S26

NESW NESW NWSE NWSE

16.0 ACRES TOTAL

The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A,
Idaho Code and/or the new public interest
criteria of Sec. 42-203C, Idaho Code.
Protests must be filed with the Director,
Dept. of Water Resources, 150 Shoup
Ave., Suite 15, Idaho Falls, Idaho 83402 on
or before DECEMBER 5, 1988.
S/R. Keith Higginson, Director
November 17, 24, 1988
No. 437

Julie A. Potter

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of America,
more than 21 years of age, and the Principal Clerk of THE IDAHO
STATE JOURNAL, a daily newspaper, printed and published at Pocatello,
Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

November 17, 1988, 19

November 24, 1988, 19

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, 19

, 19

That said paper has been continuously and uninterruptedly published
in said County for a period of seventy-eight weeks prior to the publication
of said notice or advertisement and is a newspaper within the meaning
of the laws of Idaho.

STATE OF IDAHO

COUNTY OF Bannock

On this 24th day of November, in the year of 1988, before me,
a Notary Public, personally appeared Julie A. Potter,
known or identified to me to be the person whose name subscribed to the within instrument,
and being by me first duly sworn, declared that the statements therein are true, and
acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at

My commission expires:

Department of Water Resources
Eastern District Office

April 11, 1991

RE: Permit No. 29-7854

Smith Road Water Users Association
c/o Laura Yeates
13272 N. Smith Rd.
Pocatello, ID 83202

Dear Permit Holder(s):

We acknowledge receipt of the statement of beneficial use and the supporting documentation for reinstating the above referenced permit.

Before a license can be issued, a field examination will be made by a representative of this Department. Enclosed is an Order of Reinstatement. Please note that the priority date has been advanced to July 13, 1990.

If you have any questions regarding this matter, please contact this office or our Eastern Regional Office at 525-7161.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

APR 12 1991

April 9, 1991

Smith Road Water Users Assoc.
c/o Laura Yeates
13272 N. Smith Rd.
Pocatello, ID 83202

RE: PERMIT NO. 29-07854

Dear Ms. Yeates:

I reviewed your letter dated March 30, 1991 in connection with the above referenced permit. I can appreciate your frustration with the water right development process provided in the Idaho statutes.

The terminology associated with water right development and use is not of a nature generally encountered by many people. To potentially further complicate a thorough understanding of water right submittal requirements is the ongoing Snake River Basin adjudication which is a separate and in most instances, an overlapping water right procedure which requires the filing of "claims to a water right." In your particular case, the filing of an adjudication claim is not presently required.

A review of the water right permit file shows that the proper license examination fee in the total amount of \$100 has now been submitted to the department. Based on the fee submittal and the information provided in your letter of March 30, 1991, the department will reinstate the lapsed permit pursuant to Section 42-218a, Idaho Code. Notice of that reinstatement will be sent to you under separate cover.

The next steps associated with the permit is for the department to conduct a field examination of the association's water system. A department representative will contact you to schedule the examination at an acceptable time.

Please feel free to contact the department if you have additional questions in connection with this matter.

Sincerely,

R. KEITH HIGGINSON
Director

c: IDWR - E. Region

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APR 12 1991

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APR 02 1991

Smith . Water User's Assoc.
Laura C.A. Yeates
13272 N. Smith Rd.
Pocatello, Id. 83202
(208) 237-7374

LJA

Department of Water Resources

March 30, 1991

R. Keith Higginson, Director
Dept. of Water Resources
Statehouse Mail
Boise, Idaho 83720

Dear Sir,

Please find enclosed a copy of a letter to Mr. Tim Luke, Sr. Water Resources Spec., regarding an ongoing problem in communication we have had with the Dept. of Water Resources. Besides this particular ongoing incident there have been others not related to this. It is very frustrating to find such a lack of communicative ability in only one department.

Thank you.

Most Sincerely,

Laura C.A. Yeates

Laura C.A. Yeates
Smith Rd. Water User's

*NORM - NSG
HAVE SOMEONE
DRAFT A RESPONSE*

*Glen -
please draft
for Keith NSG*

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APR 12 1991

Smith W. Water User's Assoc.
c/o La La Yeates
13272 N. Smith Rd.
Pocatello, ID. 83202

March 30, 1991

Tim Luke
State of Idaho
Dept. of Water Resources
1301 N. Orchard St., Statehouse Mail
Boise, Idaho 83720-9000

RE: Correspondence dated March 21, 1991 regarding permit # 29-07854

Dear Mr. Luke,

I must tell you that I have become very frustrated about this entire process. May I suggest that Water Associations be assigned a case worker with which they can have consistent contact. I do not believe I have spoken with the same person twice during the two years this situation has been going on. This would not only prevent these types of misunderstandings, but would allow the Dept. of Water Resources to more accurately monitor the progress of a person or system in these situations. We have wasted so much time and energy because we have not been told the correct things to do that I am beginning to believe that the purpose of your organization is to utterly confuse systems to the point that they give up!!

First I am told that I must file for water rights on the system. I do. Then I am told that I don't need to file for water rights because I was issued a permit prior to a certain date. So I request a refund on the water rights and pay some other fee. Then I get a notice that I must file beneficial use statements on the permit. (Originally the permit was taken out in order to put in an additional well for our system. Because we did not have permits on our two original wells as they were put in prior to the issue of permits, they were added to the permit by the Water Resources man in Idaho Falls. We did not realize this. We did not put the additional well in and therefor did not file beneficial use statements. Had we realized that the two existing wells were on the permit to begin with we WOULD have filed beneficial use statements.) So - I filed beneficial use statements along with another fee. Now you are telling me that I can't file beneficial use statements because the permit lapsed. You are also telling me that you should have noticed this when you requested additional sums of money from us in December, 1990. It sounds like someone SHOULD HAVE told Water Resources what the process was to begin with so that Water Resources could correctly relay it to the water systems. At this point in time I feel like standing here ripping out all my hair and screaming a long enraged vowel sound. I am certain that you understand entirely.

Now - in answer to your questions pursuant to Section 218a

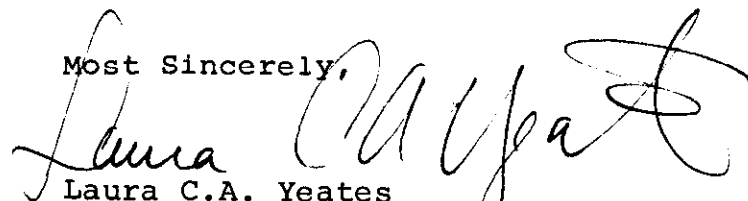
of the Idaho Code:

- a) The two existing wells have been producing water for the association since sometime in the late 1970's. I am no longer secretary for the Association so do not have the records at my finger tips to provide you with an exact date. I believe you can find that date on the late beneficial use statement we filed and you received July 13, 1990. The wells have continued to produce water throughout the time period of the late 1970's through today. I can go to my spigot, turn it on, and water from at least one of those wells (they are sequenced) flows into my sink. I do not know what kind of evidence you would like. You did not tell me in your letter. I am sure you can contact either Walter Pool or George Spinner of the local office of State Environmental Services - 236-6160 - and they can tell you that we have and have had water from the two wells during those times.
- b) I think you can refer back to the parenthesised portion of paragraph 2, page 1 of this letter for more than reasonable cause as to why proof of beneficial use was filed late. As I stated there, had the Association had any idea that the existing wells were on the permit, we would have filed the required documentation.

We are a very small water system. We cannot afford attorneys to handle our affairs or task forces to research them. We do the absolute best we can and are forced to depend on the information we are provided with from the agencies involved. We do our best to follow all instructions to the "T". When we are not given all the necessary information, we are not even aware that there are questions we have left unasked. The bureaucracy has become so large and detached that it is hard for it to keep tabs on situations such as this. It is the way it is. We understand that. We are sure you do too, and appreciate your help in unraveling this mess to both our advantages.

Thank you for your time, your energy, and your ear.

Most Sincerely,


Laura C.A. Yeates
Smith Road Water Users Assoc.

cc: Gov. Cecil Andrus
R. Keith Higginson, Director - Dept. of Water Resources

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APR 12 1991

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APR 02 1991

Department of Water Resources

Smith Water User's Assoc.
c/o La Yeates
13272 N. Smith Rd.
Pocatello, ID. 83202

March 30, 1991

Tim Luke
State of Idaho
Dept. of Water Resources
1301 N. Orchard St., Statehouse Mail
Boise, Idaho 83720-9000

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- not claim?
- filed new app
- false
- also false

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Now - in answer to your questions pursuant to Section 42-218a

APR 12 1991

of the Idaho Code:

- a) The two existing wells have been producing water for the association since sometime in the late 1970's. I am no longer secretary for the Association so do not have the records at my finger tips to provide you with an exact date. I believe you can find that date on the late beneficial-use statement we filed and you received July 13, 1990. The wells have continued to produce water throughout the time period of the late 1970's through today. I can go to my spigot, turn it on, and water from at least one of those wells (they are sequenced) flows into my sink. I do not know what kind of evidence you would like. You did not tell me in your letter. I am sure you can contact either Walter Pool or George Spinner of the local office of State Environmental Services - 236-6160 - and they can tell you that we have and have had water from the two wells during those times.
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Thank you for your time, your energy, and your ear.

Most Sincerely,

Laura C.A. Yeates
Laura C.A. Yeates
Smith Road Water Users Assoc.

cc: Gov. Cecil Andrus
R. Keith Higginson, Director - Water Resources

MAILED
APR 12 1991

IDAHO DEPARTMENT OF HEALTH AND WELFARE
Division of Environment

Drinking Water Supply Report

YEAR: 1983
SYSTEM: Smith Road Water Users COUNTY: Bannock
OWNERSHIP: Water Association
INFORMATION OBTAINED FROM: Pam Heimbaugh
LOCATION: Route 2, Smith Road, Pocatello
INSPECTOR: John R. Moeller DATE OF SURVEY: 12 Sept 1983
POPULATION SERVED: 80

FIELD SURVEY DATA

Water is supplied by two wells.

Well #1 is in an unlocked frame well house with inadequate ventilation. The house sits on a concrete slab, and is equipped with heater, lights, and floor drain; it is well-built and insulated. The well is 280' deep with a 10" casing to 182', and 8" casing to 239'. The casing is perforated from 163' to 239', and static water level at 125'. The casing is protected by a sanitary seal. A 10 hp submersible pump supplies approximately 61 gpm. The well house is equipped with gate and check valves, and pressure meter. No flowmeter or sample taps are provided.

Well #2 is located approximately 200 yards south of Well #1. It is 235' deep with an 8" casing to 145', and 6" casing to 191', with static water level at 160'. A 5 hp submersible pump provides 53 pgm. The well casing extends approximately 2' above grade, and is capped with a sanitary seal.

The wells are alternately pumped to a 1960 gallon steel storage tank. A 7.5 hp Jacuzzi booster pump provides pressure to the distribution system. Distribution mains are 3" and service connections are 3/4".

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APR 12 1991

LABORATORY DATA
Bacteriological Analyses

Number of samples required per month 1

State Rgnl. Lab, S.E. District
Health Dept., 465 Memorial
Drive, Pocatello

MONTH AND YEAR	NO. OF SAMPLES	LABORATORY RESULTS		DATE OF CHECK SAMPLES
		COLONIES/100 ml.	CHECK SAMPLES	
August 1983	1	4	26	9/7/83 Boil Order Issued
July	1	<1		
June	1	<1		
May	1	<1		
April	1	<1		
March	1	<1		
February	2	<1, <1		
January	0			
December 1982	2	<1, <1		
November	0			
October	2	<1, <1		
September	0			

INORGANIC CHEMICAL ANALYSES

ORGANIC CHEMICAL ANALYSES

Date Of Sample: February 1982
(Results on file)

Date Of Sample: _____

PARAMETER	RESULTS mg/l	MAXIMUM ALLOWABLE mg/l	PARAMETER	RESULTS mg/l	MAXIMUM ALLOWABLE mg/l
Arsenic		0.05	Endrin		0.0002
Barium		1.0	Lindane		0.004
Cadmium		0.01	Methoxychlor		0.1
Chromium		0.05	Toxaphene		0.005
Fluoride	2.72	1.4 - 2.4	2, 4-D		0.1
Lead		0.05	2, 4, 5-TP		0.01
Mercury		0.002	RADIOLOGICAL ANALYSES		
Nitrate		10.0			
Selenium		0.01	Date Of Sample: <u>February 1979</u>		
Silver		0.05	(Results on file)		
Sodium	179 mg/l		PARAMETER	RESULTS pCi/l	MAXIMUM ALLOWABLE pCi/l
Total Dissolved Solids	986 mg/l		Gross Beta		50
			Gross Alpha		15

CONCLUSIONS AND NEEDED IMPROVEMENTS

This system is _____ approved.

1. Sample tap should be provided for each well, prior to the storage tank, to better determine the source of any bacterial contamination.
2. One sample per month should be submitted to: State Regional Laboratory, S.E. District Health Department, 465 Memorial Drive, Pocatello 83201.
3. Storage tank should be flushed and disinfected at least annually to remove sediments and any bacterial growth.

APR 12 1981

Improvements outlined above shall be completed by _____

Stephen J. Dapson



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 21, 1991

Smith Road Water Users Assoc.
c/o Laura Yeates
13272 N. Smith Rd.
Pocatello, ID 83202

RE: Permit No. 29-07854

Dear Permit Holder:

The Department received your proof of beneficial use statement for the above referenced permit on July 13, 1990. We also acknowledge the additional fee which you submitted pursuant to our letter of December 6, 1990. The permit lapsed April 1, 1990 so the 60-day late period during which the permit can be readily reinstated has passed.

Pursuant to Section 42-218a, Idaho Code, (copy enclosed) the permit can now be reinstated only if you submit the following:

- a) Evidence to show that beneficial use of the water did commence and to show the extent of the use of water during the authorized permit period from the time the permit was issued until the proof due date.
- b) Reasonable cause why the proof of beneficial use was filed late.

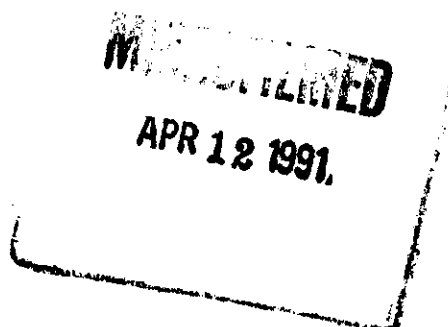
I regret that we are only now asking you to submit this information at this late date. We should have at least informed you of the requirement under Section 42-218a when we sent you correspondence in December concerning the improper exam fee. Please accept our apologies and feel free to contact me directly at 327-7864 if you have any questions concerning this matter.

Your proof of beneficial use statement along with any information which may have been submitted with it will remain on file in this office for 60 days to allow you an opportunity to assemble and submit the additional required information.

Sincerely,

A handwritten signature in cursive script that reads 'Tim Luke'.

TIM LUKE
Sr. Water Resource Spec.



RECEIVED
JUL 13 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

*50.00 For Office Use Only
12-7-90 Amt. of Fee \$ 50.00
Date 7/13/90
CO19157 Receipt No. CO12648
Received by J. J. J. J.
1301 N. Orchard
Statehouse Mail
Boise, Id. 83720

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 29-07854 Telephone No. 237-7374
Name(s) of Permit Holder(s): SMITH ROAD WATER USER'S ASSOCIATION
Post Office Address: PO YEATES 13272 N. SMITH RD. POCA TELLO, ID. 83202
Source of Water: GROUNDWATER
If ground water, well driller's name: UNKNOWN Date drilled: 1975
Extent of Use:
Domestic 19 (No. of households) Irrigation 17.9 (No. of acres)
Stockwater _____ (No. and type of stock) Other _____
Total rate and/or volume for which proof is submitted 0.52 cfs 0.52 acre/feet
Show date water was first diverted and beneficially used under this permit: 1975

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes ☒ No Installed? ☒ Yes No

OR

Flow Measurement Port: Required? Yes ☒ No Installed? Yes ☒ No

Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

R. WALKER YEATES (PRESIDENT) 237-7374 H 232-0223W
Name Telephone No.
13272 N. SMITH RD. POCA TELLO, ID. 83202
Address

APR 12 1991

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

6-15-90 Laura (M) Yates (Sec/Treas)
Date Signature (and title if on behalf of a company or organization)



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 6, 1990

REC'D
DEC 17 1990

Smith Road Water Users Association
c/o Laura Yeates
13272 N. Smith Road
Pocatello ID 83202

Department of Water Resources

Dear Permit Holders:

Re: Permit No. 29-7854

On July 13, 1990, the department received a proof of beneficial use form and a check in the amount of \$50. The proof of beneficial use form was submitted based on the rate of diversion of 0.052 cfs (copy enclosed). Note the permit. It was issued with a diversion rate of 0.52 cfs which is a much greater diversion rate.

Please compare the diversion rate indicated on the proof with your actual diversion rate and determine if the proof submittal is correct. If the use of water is greater than 0.052 cfs and if there is a change to the proof and an adjustment to fee, please advise me.

I will hold the proof for another thirty days without action. If I have not heard from you before the end of that time, I will continue processing the proof form.

If you have questions, please call me.

Sincerely,

Rita I. Fleck

RITA I. FLECK
Secretary/Records Manager

Enclosures

*You are right! I am
sorry - I put the decimal
in the wrong place. It should
be 0.52. Please find enclosed
an additional \$50.00.*

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APR 12 1991

December 6, 1990

Smith Road Water Users Association
c/o Laura Yeates
13272 N. Smith Road
Pocatello ID 83202

Dear Permit Holders:

Re: Permit No. 29-7854

On July 13, 1990, the department received a proof of beneficial use form and a check in the amount of \$50. The proof of beneficial use form was submitted based on the rate of diversion of 0.052 cfs (copy enclosed). Note the permit. It was issued with a diversion rate of 0.52 cfs which is a much greater diversion rate.

Please compare the diversion rate indicated on the proof with your actual diversion rate and determine if the proof submittal is correct. If the use of water is greater than 0.052 cfs and if there is a change to the proof and an adjustment to fee, please advise me.

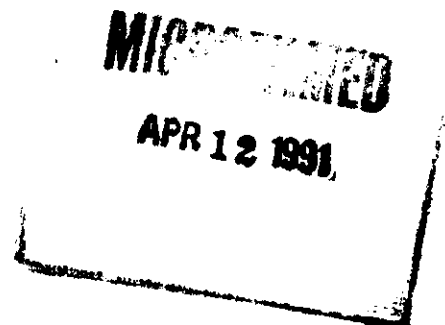
I will hold the proof for another thirty days without action. If I have not heard from you before the end of that time, I will continue processing the proof form.

If you have questions, please call me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures



WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

April 16, 1990

SMITH ROAD WATER USERS ASSOC.
C/O LAURA YEATES
13272 N. SMITH RD.
POCATELLO, ID 83202

LAPSE NOTICE

RE: PERMIT NO. 29-07854

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated January 31, 1990. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

LGS:RF

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APR 12 1991

CERTIFICATION OF MAILING

I hereby certify that on 4-18-90
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

138090
January 31, 1990

SMITH ROAD WATER USERS ASSOC.
C/O LAURA YEATES
13272 N. SMITH RD.
POCATELLO, ID 83202

PROOF DUE NOTICE

RE: PERMIT NO. 29-07854

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before April 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

FILED
APR 12 1991

RECEIVED

OCT 11 1988

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources

DRILLING PERMIT

(Authorizing Construction of a Well)*

1. Applicant Smith Road Water Users Assoc. % Laura Yeates
2. Address 13272 N. Smith Rd Pocatello, ID 83202
Telephone 237-7374

☒ Well Owner () Well Operator () Other, specify _____

3. Proposed well location NW 1/4 SE 1/4, or Gov't lot No. _____,
Sec. 26, Twp. 5S, Rge. 34E, County Bannock,
Lot, block and subdivision Hales Subdivision Lot #3

4. Proposed use of well: (Check all that apply)

☒ Domestic () Stockwater () Monitoring
☒ Irrigation () Industrial () Municipal
() Injection () Other, Specify _____

5. Well construction information:

☒ New well () Deepen () Replace
Proposed surface diameter 8" Maximum depth 400'
Anticipated bottom hole temperature: _____

☒ 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212°F or more (Geothermal well)

6. Anticipated construction start date As soon as possible - Nov. 1988
7. Well Driller (if known) _____

Address _____

8. Applicant's signature Laura A. Yeates **MICROFILMED**
Title Secretary - Treasurer
Date 10-4-88 MAR 30 1989

* After other pre-requisite approvals have been obtained.

* Fee is \$10 for single family domestic. Other uses may be \$100 \$50 or \$10.

ACTION OF IDWR



Approved

() Denied

The approval of this permit authorizes the construction of a well as described on this application subject to the conditions on this permit.

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from its date of issuance for the start of construction and is valid for one (1) year from the date of issuance for completion of the well unless an extension has been granted.
3. This permit does not constitute the approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Issuance of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.

SPECIFIC CONDITIONS:

Dated this 10th day of March, 1989

Signed

Title

J. Glen Sator
Chief, Water Alloc. Bur.

Received by (u) Fee \$100.00 Date 10-11-88

Receipt No. E013293 Construction start extension to MAR 30 1989

Extension approved by _____

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S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 334-7900
March 15, 1989

SMITH ROAD WATER USERS ASSOC.
C/O LAURA YEATES
13272 N. SMITH RD.
POCATELLO, ID 83202

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 29-07854

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also

RECORDED
MAR 30 1989

enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

RECEIVED

MAY 30 1980

NOTICE OF CORRECTION

Notice is hereby given that application No. 29-07854 in the name of SMITH ROAD WATER USERS ASSOC. was advertised incorrectly on November 17 and 24, 1988. The diversion point was advertised as being NWSE Sec 26 T 05S R 34E. Whereas, the actual diversion point is NWSE, NESW Sec 26 T 05S R 34E.

Any protests against the granting of this application as a result of this correction must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402 on or before JANUARY 23, 1989.

R. Keith Higginson
Director

Published in the IDAHO STATE JOURNAL, JANUARY 5 & 12, 1989.

MISSOURI

MAR 30 1989

November 16, 1988

Department of Health & Welfare
Division of Environment
150 N. 3rd
Pocatello, ID 83201

RE: Application for Permit No. 29-07854

Dear Sir:

This office is currently in the process of publishing notice that the above application was filed with the Department of Water Resources. Since the application may be of interest to you, a copy is enclosed for your examination. Comments concerning the application should be addressed to the applicant with a copy forwarded to this office. Protests objecting to granting a permit should be directed to this Department and received by DECEMBER 5, 1988. Final action will be taken by this office shortly after this date, provided there are no protests lodged against the applications.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor

HWJ/rb
Enclosure

MICROFILMED

MAR 30 1989

October 14, 1988

Smith Road Water Users Assoc.
C/O Laura Yeates
13272 N. Smith Rd.
Pocatello, ID 83202

RE: Application for Permit No. 29-07854

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No. 29-07854. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the IDAHO STATE JOURNAL. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

UNRECORDED

MAR 30 1989

T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

NOVEMBER 8, 1988

IDAHO STATE JOURNAL
P.O. BOX 431
POCATELLO, ID 83204

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 5, 1988.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED

MAR 30 1989

NOTICE OF APPLICATION FOR WATER RIGHTS

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

MICROFILMED

MAR 30 1989

29-07854

SMITH ROAD WATER USERS ASSOC., C/O LAURA YEATES
13272 N. SMITH ROAD
POCATELLO, ID 83202

Source: GROUNDWATER

Diversion Pt: NWSE Sec 26 T 05S R 34E

Use: DOMESTIC (.200 CFS)
 IRRIGATION (.320 CFS)

Date Filed: 10/11/1988

In: T05S R34E S26 NESW NESW NWSE NWSE
 16.0 ACRES TOTAL

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MAR 30 1989

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before DECEMBER 5, 1988.

R. Keith Higginson, Director

Published 11/17/1988 & 11/24/1988

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MAR 30 1989

